

✓ 7/14/87

CHARTER

of the

COUNTY OF SAN MATEO

As Amended to
November 1980

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Reference Copy Prepared by
Clerk of the Board of Supervisors


FOREWORD

The general purpose of a county charter is to provide a measure of home rule to the counties of the state. Authority to adopt charters is conferred upon counties by Article XI, Section 7 1/2, of the Constitution of the State of California.

Such charters, when ratified by the voters of the county and accepted and filed by the Secretary of State, become the organic law of the counties relative to matters therein which are authorized by the State Constitution, and supersede all laws inconsistent therewith.

The Charter of the County of San Mateo was duly ratified by the qualified electors of the county at an election held on the 8th day of November 1932, was approved by the State Legislature and filed in the office of the Secretary of State of California on the 28th day of January 1933. Since that time, the Charter has been amended by the electorate in November 1936; June 1937; November 1940; November 1942; November 1946; November 1948; November 1956; April 1961; April 1965; November 1966; June 1970; June 1972; November 1972; June 1974; March 1977; and June 1978.

A complete revision of the Charter was ratified by the voters November 7, 1978, and filed with the Secretary of State on November 30, 1978. Since that time, the Charter was amended by the electorate in November 1980.



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INDEX

	PAGE
PREAMBLE	.1
ARTICLE I	
POWERS OF THE ELECTORS	
101. Elections	1
102. Initiative, Referendum, Recall and Charter Change	1
ARTICLE II	
BOARD OF SUPERVISORS	
201. Governing Body	2
202. Election	2
203. Vacancies	2
204. Ineligibility for Appointments	3
205. Meetings	3
206. Powers and Duties	3
207. Communication with Employees	5
ARTICLE III	
COUNTY MANAGER	
301. Chief Administrative Officer	5
302. Appointment and Removal	5
303. Vacancy	6
304. Compensation	6
305. Duties	6
306. Board Meetings	7
ARTICLE IV	
DEPARTMENT HEADS, BOARDS AND COMMISSIONS	
401. Powers and Duties	8
402. Assessor	8
403. Controller	8

Index (Continued)

	PAGE
404. Coroner	8
405. County Clerk-Recorder	8
406. District Attorney	8
407. Sheriff	8
408. Superintendent of Schools	8
409. Treasurer-Tax Collector	9
410. County Counsel	9
411. Separation of Coroner and Sheriff's Office	9
412. Term of Elective Offices	9
413. Department Heads	9
414. Boards and Commissions	9
415. Vacancies	10
416. First Appointment	10

ARTICLE V PERSONNEL

501. Personnel Policy	10
502. Classified and Unclassified Services	11
503. Status of Present Employees	12
504. Civil Service Commission	12
505. Civil Service Commission Rules	12
506. Disciplinary Action	14
507. Hearings and Appeals	14
508. Compensation	15
509. Attention to Duties	15
510. Conflicts of Interest	15
511. Nepotism	15
512. Political Activities	15

ARTICLE VI FINANCE

601. Fiscal Provisions	15
602. Controller	16
603. Annual Audits	16
604. Deposits	16
605. Travel Expenses	16
606. Preference to County Products	16
607. Park and Open Space Program	17

Index (Continued)

	PAGE
ARTICLE VII JUDICIARY	18
ARTICLE VIII GENERAL	
801. Charter Review	19
802. Constitutionality	19

PREAMBLE

We, the people of San Mateo County, adopt this Charter to provide a local government responsive to our social, economic, physical and environmental needs and goals in a democratic, just and efficient manner.

ARTICLE I

POWERS OF THE ELECTORS

101. Elections. Except as otherwise provided in this Charter, all elections to nominate or elect candidates and to vote on ballot questions shall be conducted pursuant to the general law of the State of California.

Candidates shall pay for the cost of their statement of qualifications in the ballot pamphlet unless the Board of Supervisors determines otherwise.

102. Initiative, Referendum, Recall and Charter Change. The electors of the County may by majority vote and pursuant to general law:

- a. Exercise the powers of initiative and referendum.
- b. Recall an elected officer who has held office for six months.
- c. Amend, revise or repeal this Charter.

ARTICLE II
BOARD OF SUPERVISORS

201. Governing Body. The Board of Supervisors is the governing body of the County of San Mateo. The Board consists of five members.

202. Election. Supervisors are elected at large. The five supervisorial districts shall be apportioned by ordinance pursuant to general law.

Candidates for the office of Supervisor shall be electors in the district which they seek to represent. If a Supervisor ceases to reside in that district, the seat becomes vacant.

Except as otherwise provided in this Charter, Supervisors shall be nominated and elected pursuant to general law for a term of four years. Supervisors shall not be eligible for election to nor serve more than three consecutive terms in office, provided that service prior to January 1981 shall not be counted toward such three-term restriction. (Amended November 1980)

203. Vacancies. If a vacancy occurs on the Board of Supervisors, the Board may, within 30 days of the effective date of the vacancy, call a special election to fill the vacancy. If the Board does not call a special election within 30 days, the vacancy shall be filled as provided by general law.

The special election shall be held not less than 102 days and not more than 131 days from the order calling the election, except that it may be held on an election date regularly established by general law if that date falls within 270 days from the order calling the special election.

The election shall be conducted pursuant to the general law governing the direct primary so far as applicable, except that the County Clerk may prescribe the periods for securing signatures in lieu of a filing fee, for circulating and filing nomination papers, for publishing the notice of election and for applying for absentee ballots. The candidate receiving the highest number of votes is elected for the remainder of the term.

204. Ineligibility for Appointments. No Supervisor during the term of office or for one year thereafter is eligible for appointment to any County office, position or employment carrying compensation except for reimbursement of authorized expenses.

205. Meetings. The Board shall meet in regular session at least once in each of four weeks every month unless a regular meeting day is a holiday. The Board shall provide by ordinance for the manner, time and place of holding all regular meetings and for the procedure for calling special meetings.

206. Powers and Duties. The Board of Supervisors shall have all the powers and shall perform all the duties vested in it by the Constitution, general law and this Charter.

a. The Board shall:

(1) Appoint, suspend or remove the County Manager and at least once each year review and appraise the Manager's performance.

(2) Appoint or remove for cause members of boards and commissions.

(3) Adopt the annual budget.

(4) Provide for the number, powers and duties of all appointed officers and employees.

(5) Establish by ordinance the compensation of Supervisors and by ordinance or resolution the compensation of other officers and employees.

(6) Provide for publication of the powers, duties, procedures and rules of operation of all County offices and departments and for public access to such publications.

(7) Take such measures as may be necessary to implement this Charter.

b. The Board may:

(1) Create, abolish, consolidate, segregate, assign or transfer the powers and duties of any appointive office, department, division, board or commission to the extent not in conflict with this Charter.

(2) Consolidate, segregate, assign or transfer the powers and duties of any elective office or division thereof to the extent authorized by general law and not in conflict with this Charter.

(3) Appoint, suspend and remove an Executive Officer of the Board of Supervisors.

(4) Require periodic or special reports of expenditures and costs of operation, examine all records and accounts and inquire into the conduct of any office, commission, department or other entity to which the County contributes funds.

(5) Require the attendance of any officer or employee of the County at any meeting of the Board for the purpose of information, advice and assistance.

(6) Provide or request the Civil Service Commission to provide for the hiring of unemployed persons in the classified or unclassified service under federal or other special programs designed to relieve unemployment.

(7) Provide for the assumption by the County of any function of a public agency when requested to do so by the agency and provide or request the Civil Service Commission to provide for the manner in which employees of the agency may become county employees and the rights, if any, which shall accrue to them for their service with the agency.

207. Communication with Employees. A Supervisor shall communicate recommendations or instructions to officers and employees under the County Manager's supervision only through the Manager. This section does not limit a Supervisor's right to obtain information.

ARTICLE III

COUNTY MANAGER

301. Chief Administrative Officer. The County Manager is the chief administrative officer of the County.

302. Appointment and Removal. The County Manager shall be appointed by the Board of Supervisors on the basis of executive and administrative qualifications and experience.

Applicants for the position of County Manager shall be solicited widely and shall be screened by the usual personnel procedure. The Personnel Director shall then select a panel competent to evaluate the qualifications of the candidates. The panel shall interview the screened candidates and submit to the Board of Supervisors a list of from three to seven of the best qualified candidates. The Board shall make its selection from this list.

The County Manager is evaluated by the Board, serves at its pleasure and may be removed by an affirmative vote of three of its members.

303. Vacancy. In the event of a vacancy or disability, the Board of Supervisors shall immediately appoint a County officer or employee to serve as Acting County Manager until the Board either determines that the Manager is able to resume the duties of the office or appoints a new County Manager.

304. Compensation. The County Manager's compensation shall be commensurate with the responsibilities of the chief administrative officer. The Manager may not engage in any other business or occupation.

305. Duties. The County Manager is responsible to the Board of Supervisors for the proper and efficient administration of the County government. The Manager shall:

a. Coordinate the work of all offices and departments, both elective and appointive, and devise ways and means to achieve efficiency and economy in all County operations.

b. Appoint, suspend or remove subject to confirmation by the Board of Supervisors all department heads except those for whose election or appointment this Charter makes other provision. Appointments shall be on the basis of executive and administrative qualifications as determined by screening and selection procedures comparable to those used for classified management personnel.

c. Formulate and present to the Board plans to implement policies and accomplish goals established by the Board.

d. Recommend an annual budget after reviewing requests of all departments and agencies for which the Board is responsible or which request County funds.

e. Have responsibility for the administration of the budget after its adoption by the Board.

f. Provide for in-depth analysis and review of all County programs on a regular basis in such a manner that the Board may make policy decisions.

g. Provide and implement systems of adequate checks and controls to safeguard County money and property.

h. Work with all other government entities, federal, state, regional and local, in the best interest of the entire County.

The County Manager shall have such other powers and shall perform such other duties as are consistent with this Charter.

306. Board Meetings. The County Manager may attend any meeting of the Board of Supervisors, except that attendance at a meeting at which the Manager's evaluation or removal is considered shall be at the Board's discretion.

The County Manager may participate in the deliberations of the Board but may not vote.

ARTICLE IV

DEPARTMENT HEADS, BOARDS AND COMMISSIONS

401. Powers and Duties. Department heads, boards and commissions shall have all the powers and shall perform all the duties vested in them by this Charter, by ordinance, and by general law when not in conflict with ordinances adopted pursuant to the Charter.

All department heads and officers of the County, both elected and appointed, shall cooperate with the County Manager so that the Manager may achieve complete coordination of all County activities.

402. Assessor. The Assessor shall be elected.

403. Controller. The Controller shall be elected.

404. Coroner. The Coroner shall be elected.

405. County Clerk-Recorder. The County Clerk-Recorder shall be elected.

406. District Attorney. The District Attorney shall be elected.

407. Sheriff. The Sheriff shall be elected.

408. Superintendent of Schools. The Superintendent of Schools shall be elected.

409. Treasurer-Tax Collector. The Treasurer-Tax Collector shall be elected.

410. County Counsel. The District Attorney is ex-officio County Counsel.

411. Separation of Offices of Coroner and Sheriff. The offices of Coroner and Sheriff may not be combined.

412. Term of Elective Offices. The term of office of all elected officers is four years. The officers shall serve until their successors are qualified unless sooner removed as provided by this Charter or general law.

413. Department Heads. The position of department head shall be designated by ordinance. Department heads shall have and may delegate the power to appoint, supervise, suspend and remove all persons employed in their departments subject to the provisions of Article V.

414. Boards and Commissions. County boards and commissions are those required by general law and those established by ordinance.

Members of boards and commissions shall be County residents. If a member ceases to reside in the County, the seat becomes vacant.

The Board of Supervisors, by ordinance, shall establish terms of office and may provide for the qualifications of members of boards and commissions and for their compensation. Qualifications for members of the Civil Service Commission are prescribed in Article V.

415. Vacancies. The Board of Supervisors shall provide for public notice of vacancies on boards and commissions and of the method by which citizens may apply for appointment.

If a vacancy occurs in an elective office other than the Board of Supervisors, the Board shall fill it as provided by general law. The appointee shall hold office for the remainder of the term.

416. First Appointment. The first appointment to any office which had previously been elective shall be effective at the conclusion of the term for which the office was last filled by election.

ARTICLE V

PERSONNEL

501. Personnel Policy. It shall be the policy of the County to recruit, select and retain the best qualified officers and employees and to effect equal opportunity for all persons at all levels of County employment.

Appointments and promotions shall be made on the basis of merit and in conformity with the principles of equal opportunity and affirmative action.

Equality of employment rights shall not be abridged or denied to persons employed or seeking employment on the basis of race, color, sex, age, national origin, handicap, religious or political opinion or affiliation, or union membership.

502. Classified and Unclassified Services

a. The classified service consists of all positions except those designated in subsection 502.b. Persons in the classified service who have served a prescribed probationary period are permanent employees.

b. The unclassified service consists of:

(1) Elected officers.

(2) Members of boards and commissions.

(3) The County Manager and one principal assistant.

(4) Department heads.

(5) Persons employed to render professional, scientific, technical, or expert services on a temporary basis for a specific project.

(6) Part-time physicians and resident physicians employed in clinics, institutions and hospitals.

(7) Persons required to possess a license to practice law.

(8) Two deputy sheriffs in the office of the Sheriff.

(9) Special officers or investigators in the offices of the Sheriff and the District Attorney.

(10) One person holding a confidential position to each elected board or commission, including the Board of Supervisors.

(11) One person holding a confidential position to each elected department head.

503. Status of Present Employees. Incumbents in positions which are removed from the classified service shall remain in the classified service if they have permanent status in the position on the effective date of the change.

Incumbents in positions which become classified shall have permanent status if they have occupied the position for one year unless the Civil Service Commission establishes a different probationary period. If they have occupied the position for three months but are not yet eligible for permanent status, they shall be probationary employees.

504. Civil Service Commission. The Civil Service Commission consists of five electors of the County appointed by the Board of Supervisors for four-year terms. There shall be one member from each supervisorial district. No commissioner may be a County employee.

Commission rules shall provide for regularly scheduled public meetings and for the procedure for calling special meetings.

505. Civil Service Commission Rules. The Commission shall prescribe rules to insure the selection and retention of employees in the classified service on the basis of merit and fitness. The rules are binding on all officers, boards, commissions and employees. The Commission may inspect the records of any county office or department to insure adherence to this Article and the rules of the Commission. It shall hold public hearings before adopting or amending rules.

a. The rules shall include provisions for:

(1) Standardization and classification of all positions in the classified service.

(2) Examination of candidates for appointment and promotion.

(3) Establishment of appropriate eligible lists.

(4) Certification of eligible candidates to the appointing authority.

(5) Length of probationary periods.

(6) Temporary appointments not to exceed six months in the absence of an eligible list.

(7) Criteria and procedures for demotion, reduction in force, and reemployment.

(8) Criteria and procedures for suspension, dismissal and other disciplinary action.

b. The rules may, at the request of the Board of Supervisors, include provisions for:

(1) The hiring of unemployed persons in the classified or unclassified service under federal or other special programs designed to relieve unemployment and their suspension, disciplining or removal.

(2) The manner in which employees of an agency, the functions of which are absorbed by the county, may become county employees and the rights, if any, which shall accrue to them for their service with the agency.

506. Disciplinary Action. Employees in the classified and unclassified service may be suspended without pay, demoted or dismissed. No permanent employee in the classified service may be suspended, demoted or dismissed except for reasonable cause.

(Amended November 1980)

507. Hearings and Appeals

a. Employees in the classified service may appeal to the Commission any action contrary to this Article or the rules of the Commission which is detrimental to their employment status.

b. Within five days of a demotion, suspension or dismissal, the appointing authority shall provide the employee with a written statement of charges and file a copy with the Commission. Within fourteen days of the receipt of the written charges, the employee may reply in writing and ask the Commission for a hearing.

c. Upon receipt of the request, the Commission shall order a hearing. The employee may appear in person and has the right to be represented by himself or herself, by counsel or by another person. If the Commission sustains the employee, it shall order reinstatement and may order payment of all or part of the compensation withheld.

d. The Commission may subpoena witnesses, require the production of records and information pertinent to an investigation, and administer oaths.

e. Agreements between the County and recognized employee organizations may provide procedures for appeal of disciplinary action other than to the Commission and for resolving other grievances, to be exercised at the employee's option.

f. Decisions rendered pursuant to this section are binding on all officers, boards, commissions and employees.

508. Compensation. The Board of Supervisors shall by ordinance or resolution establish the pay and benefits of employees. When applicable, such compensation shall be determined after meeting and conferring with recognized employee organizations.

509. Attention to Duties. No appointive officer or employee serving with compensation may engage in any other business or occupation during working hours.

510. Conflicts of Interest. All laws pertaining to conflicts of interest shall be applicable to all officers, employees and members of boards and commissions.

511. Nepotism. A person may not be appointed to any position which is under the line of supervision of a relative to the third degree by blood or marriage.

512. Political Activities. The Board of Supervisors may, by ordinance, restrict or prohibit the political activities of officers and employees during working hours.

ARTICLE VI

FINANCE

601. Fiscal Provisions. General law shall govern the assessment of property, the levy and collection of taxes, the adoption of the County budget, and the appropriation, accounting and transfer of funds unless otherwise provided for in this Charter or by ordinance.

602. Controller. The Controller is the chief accounting and auditing officer of the County. The Controller shall:

a. Exercise general control over all accounting systems and the financial activities of all County offices and agencies.

b. Establish a financial reporting system.

c. Prepare reports at least monthly on the financial activities of the County and the balance of all funds. Department heads shall furnish to the Controller the information required for preparation of the reports.

d. Conduct internal audits.

603. Annual Audits. The Board of Supervisors shall have an annual audit made by a certified public accountant. The auditor shall report on the County's financial transactions and records and the effectiveness of internal controls.

604. Deposits. All monies received by a County office or agency shall be reported to the Controller and deposited with the Treasurer not later than the business day following receipt unless a later date is authorized by ordinance.

605. Travel Expenses. The Board of Supervisors shall establish by ordinance a maximum reimbursement for authorized travel expenses. An itemized account of expenses shall be filed with and approved by the Controller before payment is made.

606. Preference to County Products. When the combinations of price, quality, terms and conditions of sale are substantially equal, the County shall give preference in purchasing to San Mateo County goods, services and suppliers.

607. Park and Open Space Program.

a. There is a County park and open space acquisition and development fund in the County treasury. Each fiscal year the Board of Supervisors shall transfer from the general fund to the County park and open space acquisition and development fund an amount of money which shall be an amount equal to the amount that would be raised for that year by a tax of ten cents per one hundred dollars of assessed valuation of the County of San Mateo.

b. The Board of Supervisors shall appropriate the money in the County park and open space acquisition and development fund for the acquisition, development, or acquisition and development of real property or any interest therein for County park and open space purposes, and the fund shall not be expended for any other purpose.

c. The County shall not acquire real property for any park purpose until the Board of Supervisors has determined that the acquisition is in conformity with the adopted Park and Open Space Element of the County General Plan.

d. If the Constitution or statutes of the State of California are amended during the effective period of this section to place a ceiling on property taxes that may be levied by the County of San Mateo and the Board of Supervisors after public hearing determines that such limitation conflicts with its ability to comply with this section, then the Board of Supervisors may suspend by resolution the provisions of this section for each applicable fiscal year to the extent of such conflict.

e. If all or a part of the County of San Mateo should, without an affirmative vote of the electorate therein, become subject to the jurisdiction of a public agency other than the State of California, which agency's jurisdiction includes territory in two or more counties and which agency has the power of imposing a tax, levy, or assessment for the purpose of preserving, conserving or acquiring real property for park or open space purposes, the Board of Supervisors may, after public hearings, determine that the appropriation authorized by this section shall not be made. Such a determination shall be made annually at the time of determining the final budget of the County.

f. This section shall expire at the end of the 1982-83 fiscal year; provided, however, any unobligated monies remaining in the fund on June 30, 1983, shall be used only for the purposes set forth in subparagraph (b) of this section.

ARTICLE VII

JUDICIARY

The court system of the County is that provided by the general law of the State.

ARTICLE VIII

GENERAL

801. Charter Review. The Board of Supervisors shall convene a Charter review committee within eight years of the last complete Charter review. The committee shall review the Charter and, after public hearings, make appropriate recommendations for amendment or revision to the Board.

802. Constitutionality. If any provision of this Charter or its application to any person or circumstance is held invalid, the remainder of the Charter and the application of the provision to other persons or circumstances shall not be affected.

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